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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,023	10/24/2005	William C. Walker	022916.0003US2	2800
24392	7590	11/13/2007		
FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232			EXAMINER RINEHART, KENNETH	
			ART UNIT	PAPER NUMBER
			3749	
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			11/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/517,023	Applicant(s) WALKER, WILLIAM C.	
	Examiner Kenneth B. Rinehart	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/6/04</u> <u>1315</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 6 and 8 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 4 and 1 of prior U.S. Patent No. 6,619,214. This is a double patenting rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noland (Re. 33,776) in view of Loomans (5017269). Noland discloses a thermal reactor (15, figure 1), feed means (12, figure 1), conveyor means (15, figure 1), and heating means (16, 32, figure 1), a thermal oxidizer (32, 20, 17, figure 1), a pair of conveyor mechanisms (column 2, line 64), a waste receiver hopper (10, figure 1), and a feed screw (12, 15, figure 1). Noland discloses applicant's invention substantially as claimed with the exception of first and second conveyor

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mechanism, first helical section and second paddle section,. Loomans teaches first and second conveyor mechanism (fig. 2), first helical section and second paddle section (25,20b, fig. 2), for the purpose of better control. It would have been obvious to one of ordinary skill in the art to modify Noland by including first and second conveyor mechanism, first helical section and second paddle section as taught by Loomans for the purpose of better control so that a more homogenous product is obtained.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (4,917,023) in view of Loomans (5017269). Jones discloses a thermal reactor (20, figure 1), feed means (12, figure 1), conveyor means (14, figure 1), and heating means (24, figure 1), thermal oxidizer (32, 34, figure 1, dotted line leading from 34 to 20). Jones discloses applicant's invention substantially as claimed with the exception of first and second conveyor mechanism, first helical section and second paddle section. Loomans teaches first and second conveyor mechanism (fig. 2), first helical section and second paddle section (25,20b, fig. 2) for the purpose of better control. It would have been obvious to one of ordinary skill in the art to modify Jones by including first and second conveyor mechanism, first helical section and second paddle section as taught by Loomans for the purpose of better control so that a more homogenous product is obtained.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (4,917,023) in view of Loomans (5017269) as applied to claim 1 above, and further in view of Loken. Jones (4,917,023) in view of Loomans (5017269) discloses applicant's invention substantially as claimed with the exception of drying means. Loken teaches (2, 4, fig. 1, column 2, lines 39-49) for the purpose of improving the efficiency of the system. It would have been

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obvious to one of ordinary skill in the art to modify Jones by including drying means as taught by Loken for the purpose of improving the efficiency of the system.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (4,917,023) in view of Loomans (5017269) as applied to claim 1 above, and further in view of Bayer et al (5,376,340). Jones in view of Bayer discloses applicant's invention substantially as claimed with the exception of first and second subchambers divided by baffle means. Bayer et al teaches first and second subchambers divided by baffle means (42, 30, 52, 42, 30, figure 1) for the purpose of preventing pollutants from entering the atmosphere. It would have been obvious to one of ordinary skill in the art to modify Jones by including first and second subchambers divided by baffle means as taught by Bayer et al for the purpose of eliminating pollutants and thus meet environmental regulation regarding air pollution.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (4,917,023) in view of Loomans (5017269) and Bayer et al (5,376,340) as applied to claim 7 above, and further in view of Martin (5,921,763). Jones in view of Loomans (5017269) and Bayer et al discloses applicant's invention substantially as claimed with the exception of steam driven turbine. Martin teaches a steam driven turbine (col. 9, lines 4-10) for the purpose of providing a more energy efficient system. It would have been obvious to one of ordinary skill in the art to modify Jones by including a steam driven turbine as taught by Martin for the purpose of providing a more energy efficient system.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (4,917,023) in view of Loomans (5017269) as applied to claim 1 above, and further in view of Sardari et al (5,088,424). Jones in view of Loomans (5017269) discloses applicant's invention substantially

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as claimed with the exception of a steam generating means. Sardari et al teaches a steam generating means (column 7, lines 24-26) for the purpose of providing a more energy efficient system. It would have been obvious to one of ordinary skill in the art to modify Jones by including a steam generating means as taught by Sardari et al for the purpose of providing a more energy efficient system.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noland (Re. 33,776) in view of Loomans (5017269) and Bayer et al (5,376,340) and Loken (3,954,069). Noland discloses a thermal reactor (15, figure 1); feed means (12, figure 1), conveyor means (15, figure 1), said conveyor means comprises a pair of conveyor mechanisms rotatably mounted within said reaction chamber in a side by side relationship (column 2, lines 64); and heating means (16, 32, figure 1), a thermal oxidizer connected to said thermal reactor (32, 20, 17, figure 1), a waste receiving hopper connected to said thermal reactor (10, figure 1); and a feed screw (12, 15, figure 2). Noland discloses applicant's invention substantially as claimed with the exception of said thermal oxidizer includes first and second subchambers divided by a baffle means for controlling the flow of gases between the first and second subchambers, drying means, screw section and plurality of paddle flights. Loomans screw section and plurality of paddle flights (25,20b, fig. 2) for the purpose of better control. It would have been obvious to one of ordinary skill in the art to modify Noland by including screw section and plurality of paddle flights as taught by Loomans for the purpose of better control so that a more homogenous product is obtained. Bayer teaches said thermal oxidizer includes first and second subchambers divided by a baffle means for controlling the flow of gases between the first and second subchambers (42, 30, 52, fig. 1) for the purpose of preventing pollutants form entering the

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atmosphere. It would have been obvious to one of ordinary skill in the art to modify Noland by including said thermal oxidizer includes first and second subchamber divided by a baffle means for controlling the flow of gases between said first and second subchambers as taught by Bayer et al for the purpose of preventing pollutants from entering the atmosphere and thus meet environmental regulation regarding air emissions. Noland in view of Bayer et al discloses applicant's invention substantially as claimed with the exception of drying means operably associated with thermal reactor for drying the waste. Loken teaches drying means (2, figure 1) operably associated with thermal reactor (4, figure 1) for drying the waste (column 2, lines 39-49) for the purpose of improving the efficiency of the system. It would have been obvious to one of ordinary skill in the art to modify Noland by including drying means operably associated with thermal reactor for drying the waste as taught by Loken for the purpose of improving the efficiency of the system.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noland (Re. 33,776) in view of Loomans (5017269) and Bayer et al (5,376,340) and Loken (3,954,069) as applied to claim 11 above, and further in view of Martin (5,921,763). Noland (Re. 33,776) in view of Loomans (5017269) and Bayer et al (5,376,340) and Loken discloses applicant's invention substantially as claimed with the exception of including a steam generating means connected to said thermal oxidizer for generating steam using heating gases received from said thermal oxidizer a steam driven turbine, a water boiler, a source of water and a condenser. Martin teaches including a steam generating means (7, figure 1) connected to said thermal oxidizer (20, figure 1) for generating steam using heating gases received from said thermal oxidizer (figure 1) a steam driven turbine (78, figure 1), a water boiler (70, figure 1), a source of

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water (82, figure 1) and a condenser (80, figure 1) for the purpose of improving the efficiency of the system. It would have been obvious to one of ordinary skill in that art to modify Noland by including including a steam generating means connected to said thermal oxidizer for generating steam using heating gases received from said thermal oxidizer a steam driven turbine, a water boiler, a source of water and a condenser as taught by Martin for the purpose of improving the efficiency of the system.

Allowable Subject Matter

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kbr


KENNETH RINEHART
PRIMARY EXAMINER